

District of New Hampshire

VERY REVEREND GEORGES F. de LAIRE, J.C.L.

Plaintiff(s)

V.

GARY MICHAEL VORIS, ANITA CAREY, ST.
MICHAEL'S MEDIA a/k/a CHURCH MILITANT, and
MARC BALESTRIERI

Defendant(s)

Civil Action No. 1:21-cv-00131-JL

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) MARC BALESTRIERI
2858 University Avenue
No. 251
Madison, Wisconsin 53705

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Joseph M. Cacace Suzanne M. Elovecky
U.S. District Court, Southern District of New York
100 Wall Street, 10th Floor
New York, NY 10038
Tel. 212 312 2500
Fax 212 312 2501
E-mail: joseph.cacace@usdoj.gov
suzanne.lovecky@usdoj.gov

Joseph M. Cacace
Howard M. Cooper
Todd & Weld LLP
One Federal Street, 27th Floor
Boston, MA 02110

Suzanne M. Elovecky
Partridge Snow & Hahn LLP
30 Federal Street
Boston, MA 02110

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 1:21-cv-00131-JL

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

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UNITED STATES DISTRICT COURT

for the

District of New Hampshire

VERY REVEREND GEORGES F. de LAIRE, J.C.L.

Plaintiff

v.

GARY MICHAEL VORIS, et al.

Defendant

Civil Action No. 1:21-cv-00131-JL

WAIVER OF THE SERVICE OF SUMMONS

To: Attorneys Cacace, Cooper, and Elovecky:*(Name of the plaintiff's attorney or unrepresented plaintiff)*

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

*Signature of the attorney or unrepresented party**Printed name of party waiving service of summons**Printed name**Address**E-mail address**Telephone number*

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

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